UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

JOHN LUGO,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No.
	)	
BLITT & GAINES, P.C.,	)	
	)	
Defendant.	)	

PLAINTIFF'S COMPLAINT AND DEMAND FOR JURY TRIAL

JOHN LUGO ("Plaintiff"), through his attorneys, KROHN & MOSS, LTD., alleges the following against BLITT & GAINES, P.C. ("Defendant"):

INTRODUCTION

1. Plaintiff's Complaint is based on the Fair Debt Collection Practices Act, 15 U.S.C. 1692 *et seq*. (FDCPA).

2. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

JURISDICTION AND VENUE

3. Jurisdiction of this court arises pursuant to 15 U.S.C. 1692k(d), which states that such actions may be brought and heard before "any appropriate United States district court without regard to the amount in controversy."

4. Defendant conducts business and is located in the state of Illinois, and therefore, personal jurisdiction is established.

5. Venue is proper pursuant to 28 U.S.C. 1391(b)(2).

PARTIES

6. Plaintiff is a natural person residing in, Oak Park, Cook County, Illinois.

7. Plaintiff is a person within the meaning of 15 U.S.C. 1692d.

8. Defendant is a debt collector as that term is defined by 15 U.S.C. 1692a(6), and sought to collect a consumer debt from Plaintiff.

9. Plaintiff is informed and believes, and thereon alleges, that Defendant is a corporation located in Northbrook, Cook County, Illinois.

10. Defendant is a collection agency that in the ordinary course of business, regularly, on behalf of itself or others, engages in debt collection.

FACTUAL ALLEGATIONS

11. Around February/March 2010, Defendant started constantly and continuously placing collection calls to Plaintiff seeking payment for an alleged debt.

12. Defendant contacted Plaintiff numerous times a day, approximately two (2) to three (3) times per week, seeking payment for an alleged debt.

13. Defendant threatened to have Plaintiff arrested if Plaintiff did not pay the alleged debt.

14. Defendant threatened to garnish Plaintiff's wages if Plaintiff did not pay the alleged debt.

15. Defendant threatened to have Plaintiff's bank account seized if Plaintiff did not pay the alleged debt.

16. To date and to Plaintiff's best knowledge Defendant has not arrested him, garnished his wages or seized his bank account.

COUNT I
DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT

17. Defendant violated the FDCPA based on the following:

a. Defendant violated *§1692d* of the FDCPA by engaging in conduct the natural consequence of which is to harass, oppress, or abuse Plaintiff;

b. Defendant violated *§1692d(5)* of the FDCPA by causing a telephone to ring repeatedly and continuously with the intent to annoy, abuse, and harass Plaintiff;

c. Defendant violated *§1692e* of the FDCPA by using false, deceptive, or misleading representation or means in connection with the collection of a debt;

d. Defendant violated *§1692e(4)* of the FDCPA by falsely implying that Plaintiff's non-payment of his alleged debt would result in Plaintiff's arrest or imprisonment;

e. Defendant violated *§1692e(4)* of the FDCPA by threatening to seize Plaintiff's bank account when Defendant did not intend to take such action;

f. Defendant violated *§1692e(4)* of the FDCPA by threatening to garnish Plaintiff's wages when Defendant did not intend to take such action;

WHEREFORE, Plaintiff, JOHN LUGO, respectfully requests judgment be entered against Defendant, BLITT & GAINES,P.C., for the following:

18. Statutory damages of $1,000.00, pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*;

19. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*; and

20. Any other relief that this Honorable Court deems appropriate.

RESPECTFULLY SUBMITTED,

By: _/s/ Adam T. Hill__________
Adam T. Hill
KROHN & MOSS, LTD.
120 W. Madison Street, 10th Floor
Chicago, IL 60602
(312) 578-9428
ahill@consumerlawcenter.com
Attorney for Plaintiff

DEMAND FOR JURY TRIAL

PLEASE TAKE NOTICE that Plaintiff, JOHN LUGO, demands a jury trial in this case.

VERIFICATION OF COMPLAINT AND CERTIFICATION

(STATE OF ILLINOIS

COUNTY OF COOK)

Plaintiff, JOHN LUGO, states the following:

1. I am the Plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this Complaint in good faith and solely for the purposes set forth in it.
6. Each and every exhibit I have provided to my attorneys which has been attached to this Complaint is a true and correct copy of the original.
7. Except for clearly indicated redactions made by my attorneys where appropriate, I have not altered, changed, modified or fabricated these exhibits, except that some of the attached exhibits may contain some of my own handwritten notations.

Pursuant to 28 U.S.C. § 1746(2), I, JOHN LUGO, hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

12-16-10
Date

JOHN LUGO